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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,357	08/24/2001	Amatsia Kashti	1320.03	9544
21901	7590	07/07/2004	EXAMINER	
SMITH & HOPEN PA 15950 BAY VISTA DRIVE SUITE 220 CLEARWATER, FL 33760			GREENE, DANIEL L	
		ART UNIT	PAPER NUMBER	
		3621		

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/682,357	KASHTI, AMATSIA
	<b>Examiner</b>	<b>Art Unit</b>
	Daniel L. Greene	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 24 August 2001.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-15 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 24 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### ***Claim Objections***

1. Claim 5 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits. However, there is a 103 rejection utilizing Collins et al. U.S. Patent 6,553,418 that teaches selectively operate control means for the controlled utility within the premises.
- 2.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1-4, 6-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sneeringer U.S. Patent 6,618,709 [Sneeringer], and further in view of Crooks et al. U. S. Patent 6,088,688 [Crooks]**

As per claims 1 and 15;

Sneeringer discloses:

a means for transmitting information between the utility provider and the premises of the customer or user and said information is viewable and/or retrievable in the premises via a supplied monitor, home computer, television or any other display and said customer or user is capable of responding via a keyboard or other selection means to allow the customer or user to select a response to the information received. Fig. 4.

Sneeringer does not specifically teach about the type of equipment at the user's location. However, Sneeringer does teach about the utilization of a customer PC. Crooks teaches that it is known in the art to provide a supplied monitor, home computer, television or any other display and said customer or user is capable of responding via a keyboard or other selection means to allow the customer or user to select a response to the information received. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the Customer PC of Sneeringer with a supplied monitor, home computer, television or any other display and said customer or user is capable of responding via a keyboard or other selection means to allow the customer or user to select a response to the information received of Crooks, because the type of equipment used by the user can be nonfunctional in nature to the steps specified in the claim .

As per claim 2:

Sneeringer further discloses:

wherein the information, which is received by the apparatus, is provided by the utility provider to the customer or user and relates to the metering of the consumption of the utility or utilities. Col. 6, lines 1-67.

As per claim 3:

Sneeringer further discloses:

wherein the selection means includes a series of buttons, which allow the customer or user to execute commands and responses to the information, received. Col. 20, lines 1-67.

As per claim 4:

Sneeringer further discloses:

wherein the customer or user obtains entry to the system by the introduction of a coded input. Col. 14, lines 25-35.

As per claim 6:

Sneeringer further discloses:

wherein the display is provided as part of utility's consumption metering apparatus in the premises. Fig. 9.

As per claim 7:

Sneeringer further discloses:

wherein information transmitted from the customer or user to the utility provider includes data relating to metering of the use of at least one utility in the premises, said system allowing the reading and logging of information from all, or a combination of metering apparatus in the premises so as to provide a record of utility usage in any given time period to the utility provider. Fig. 3.

As per claim 8:

Sneeringer discloses the claimed invention except for wherein the information is accessible by the customer or user who can then, on the basis of information received from the utility provider, send a command or selection to one of a range of utility providers via the system to select to receive the said utility from a selected provider. However, Sneeringer does disclose the concept of customer having direct access to generators and picking the one, which meets their preferences. Col. 2, lines 40-45. Crooks teaches that it is known in the art to provide wherein the information is accessible by the customer or user who can then, on the basis of information received from the utility provider, send a command or selection to one of a range of utility providers via the system to select to receive the said utility from a selected provider. Col. 11, lines 1-10.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the picking the one that meets their preferences with the

wherein the information is accessible by the customer or user who can then, on the basis of information received from the utility provider, send a command or selection to one of a range of utility providers via the system to select to receive the said utility from a selected provider of Crooks.

As per claim 9:

Sneeringer discloses:

A system for metering the use of a plurality of utilities in a premises in which the system allows the reading and logging of information from all, or a combination of metering apparatus in the premises so as to provide a record of utility usage in any given time period and said information is accessible by the user who can then transmit the data to utility providers and/or on the basis of information received from the utility provider. Fig. 3.

Claim 9 is rejected under 35 U.S.C. 103 as being unpatentable over Sneeringer. Sneeringer teaches all of the elements claimed with the exception of send a command or selection to one of a range of utility providers to designate to receive the said utility from a selected utility provider. The examiner takes Official Notice that sending a command or selection to one of a range of utility providers to designate to receive the said utility from a selected utility provider is old and well known in the deregulation system involving utilities. . It would have been obvious to one having ordinary skill in the art at the time of the invention to have included the step of send a command or selection to one of a range of utility providers to designate to receive the said utility from

a selected utility provider because the skilled artisan would have recognized this business practice of sending a command or selection to one of a range of utility providers to designate to receive the said utility from a selected utility provider. and is clearly applicable to the computer assisted monitoring and client accessibility to utilities. These advantages are well known to those skilled in the art.

As per claim 10:

Sneeringer further discloses:

wherein the utilities of water, gas, electricity, heating and any other utility, which uses a supply or can be charged on a time basis is monitored. Col. 3, lines 15-25.

As per claim 11:

Sneeringer further discloses:

wherein the monitoring data of the usage of the utility or utilities is obtained at pre-designated time intervals of usage of the utility. Col. 27, lines 15-25.

As per claim 12:

Sneeringer further discloses:

wherein on the basis of the monitoring of the usage of utilities, at least one profile of usage is generated for usage of each utility to allow subsequent setting of utility usage and supply. Fig. 9.

As per claim 13:

Sneeringer further discloses:

wherein utility usage data is allocated to the usage of apparatus within the premises. Col. 18, lines 1-10.

As per claim 14:

Sneeringer further discloses:

wherein the usage of a plurality of utilities over the same time period is allocated to the usage of specified apparatus within the premises. Col. 18, lines 1-10.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

***Conclusion***

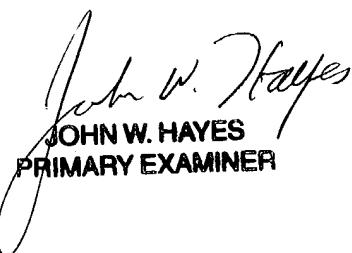
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/23/04

DLG

  
JOHN W. HAYES  
PRIMARY EXAMINER